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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/500,668	06/30/2004	Michel Valentin	36880	6555
116	7590	03/09/2006	EXAMINER	
PEARNE & GORDON LLP 1801 EAST 9TH STREET SUITE 1200 CLEVELAND, OH 44114-3108			STERLING, AMY JO	
			ART UNIT	PAPER NUMBER
			3632	

DATE MAILED: 03/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/500,668	<b>Applicant(s)</b> VALENTIN ET AL.	
	<b>Examiner</b> Amy J. Sterling	<b>Art Unit</b> 3632	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 30 June 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 14-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 14-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 June 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>6/30/04</u> . | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

This is the first Office Action for application number 10/500,668 Support for Moving Cylindrical Elements and Method and Conveyor Using Such Supports, filed on 6/30/04. Claims 14-26 are pending. This application is a 371 of PCT/FR03/00085 dated 1/13/03.

#### ***Information Disclosure Statement***

The information disclosure statement submitted on 6/30/04 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement has been considered by the examiner.

#### ***Drawings***

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: 36

Also the drawings are objected to because Figure 2 is described as a side view of the support, but does not appear to be schematically correct. For example, Figure 1 shows screw 16A, which would be able to be viewed from a side view and does not appear in figure 2. This is merely one example. All inconsistencies must be corrected.

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "secondary balls"

of claim 18 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

The abstract of the disclosure is objected to because it contains "Figure 2" which appears to be a typographical error (See line 12). Correction is required. See MPEP § 608.01(b).

The disclosure is objected to because of the following informalities:

Page 8, line 31, recites, "for rolling cylindrical elements (not shown)", but the "cylindrical element" is clearly shown in Figure 1, though not indicated by a reference numeral.

Appropriate correction is required.

### ***Claim Objections***

Claim 14 and 21 objected to because of the following informalities:

Claim 14 recites "the friction between the said second guide means and the cylindrical elements being lower than the friction between the first guide means and the cylindrical elements". It is unclear if the cylindrical element is intended to be positively recited and if not, how a relationship of friction can be claimed, when the cylindrical element has not been positively claimed. The claim should be changed to reciting a cylindrical element or the term "adapted to be" should be inserted before the phrase recited above. Appropriate correction is required.

Claim 21 recites a "th" which should be changed to "the".

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 14-26 are rejected under 35 U.S.C. 112, first paragraph, as based on a disclosure which is not enabling. The attachment of the roller 4 to the device is considered critical or essential to the practice of the invention, but is not included in the claim(s) is not enabled by the disclosure. See *In re Mayhew*, 527 F.2d 1229, 188

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USPQ 356 (CCPA 1976). The connection is critical to define how the device is put together.

In an effort to speed prosecution, the rejection below is as best understood in view of the rejection above.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 14-26 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 14 recites the limitation "the friction". There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 14-16, 21, 22, 25 and 26 are rejected under 35 U.S.C. 102(b) as being anticipated by United States Patent No. 4470291 to Gibb et al.

The patent to Gibb et al. discloses a rolling cylindrical support having a first guide means (62, 12) capable of guiding a cylindrical element at a height z1, and in the

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downstream direction in which the cylindrical elements roll, a second guide means (28) capable of authorizing a rotation around an axis of and for guiding the cylindrical elements at a height z2, higher than z1, the friction between the second guide means and the cylindrical elements being lower than the friction between the first guide means and the cylindrical elements. Gibb et al. also teaches wherein the second guide means has at least two ball bearings (90) and have a lateral adjustment system (24, 12) formed by the first and second guide means and a vertical adjustment system (26, 12) formed by the first and second guide means which is the means by which the height different between z1 and z2 may be adjusted. Gibb et al. also teaches the method steps of primary guiding with the aid of the first guide means, secondary guiding substituting the primary guiding with the aid of the second guide means, the friction resulting from the secondary guiding being lower than the friction resulting from the primary guiding.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 17, 25 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over United States Patent No. 4470291 to Gibb et al. as applied to claims 14 and 16 above, and in view of United States Patent No. 5843369 to Obara et al.

Gibb et al. does not specifically teach that the ball bearings are made of stainless steel material.

Obara et al. teaches a ball bearing made from stainless steel (See Col. 3, line 9 for material), used for its strength and other desired properties. Therefore it would have been obvious to one of ordinary skill in the art from the teachings of Obara et al. to have made the device of stainless steel in order to have a strong and rust resistant device.

Claims 23, 25 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over United States Patent No. 4470291 to Gibb et al. as applied to claims 14 above.

It would have been obvious to one of ordinary skill in the art to have made the height difference of any dimension, in order to support the device in the manner desired, the dimension being a design choice which would be obvious to optimize. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made from the teachings of Gibb et al. to have optimized the dimensions of the device including 0.5mm difference.

### ***Allowable Subject Matter***

Claims 18-20 and 24-26 are not rejected under prior art and may be considered to contain allowable subject matter, depending upon the clarification of the rejections under 35 USC 112, first and second paragraphs and the Drawing objection.



***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following documents show various stands with rollers


5934626 to Collins, Jr.

5673843 to Gainey

4852623 to Rodrigues

2667978 to Pridy

Any inquiry concerning this communication should be directed to Amy J. Sterling at telephone number 571-272-6823. The examiner can normally be reached (Mon-Fri 8am-5:00pm). If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached at 571-272-6788. The fax machine number for the Technology center is 571-273-8300 (formal amendments), informal amendments or communications 571-273-6823. Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center receptionist at 571-272-3600.

  
Amy J. Sterling  
3/2/06